

5035
1 BILL NO. R-82-03-14

2 Resolution No. R-

16-82

3 Resolution of the Council of the City of
4 Fort Wayne, Indiana.

5 WHEREAS, the City of Fort Wayne is in a state of
6 emergency due to extreme flooding.

7 WHEREAS, Public Law 99, 84th Congress, as amended,
8 (33 U.S. Code, Section 701 n) provides a means of preparing for
9 and combating damage by floods and water; and

10 WHEREAS, the City of Fort Wayne has exhausted all
11 resources available to it for flood emergency preparation and
12 flood fighting and rescue operations; and

13 WHEREAS, on the date of this Resolution emergency flood
14 preparation is needed and assistance required for this purpose
15 as well as for flood fighting and rescue operations; and

16 NOW, THEREFORE, BE IT RESOLVED That the U. S. Army
17 Corps of Engineers be, and is hereby, requested to furnish assist-
18 ance in flood emergency preparation and in flood fighting and
19 rescue operations.

20 a. Provide without cost to the United States all
21 lands, easements and rights-of-way for the emergency
22 work, including, but not limited to levee, borrow,
23 spoil and access rights-of-way.

24 b. Hold and save the United States free from all
25 claims for damages attributable to the construction
26 works except for damages due to the fault or
27 negligence of the United States or its Contractors.

28 c. Operate and maintain the emergency construction
29 works for the duration of the flood emergency.

30 d. Provide as required under the applicable
31 provisions of Public Law 91-646 relocation
32 assistance payments to those eligible because of
dislocation of persons or property from thier
dwellings, farms or businesses due to the acquisition
of rights-of-way for the emergency flood
construction work.

e. Remove after the flood emergency without cost
to the U.S. Army Corps of Engineers any temporary
emergency works constructed for the flood emergency.

1 BE IT FURTHER RESOLVED That the Mayor of the City of
2 Fort Wayne, Indiana be authorized to enter into agreements with
3 the Corps of Engineers as to the means of supplementing the local
4 flood emergency preparation and flood fighting and rescue operations.
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8 COUNCILMAN

9 APPROVED AS TO FORM
10 AND LEGALITY MARCH 19, 1982

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14 BRUCE O. BOXBERGER, CITY ATTORNEY
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Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time
by title and referred to the Committee _____ (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, 19____, the _____ day of _____,
at _____ o'clock _____ M., E.S.T.

DATE: _____

CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Eisbart,
seconded by Stier, and duly adopted, placed on its
passage. PASSED ~~(LOST)~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>8</u>	<u>0</u>	_____	<u>1</u>	_____
BRADBURY	<u>X</u>	_____	_____	_____	_____
BURNS	<u>X</u>	_____	_____	_____	_____
EISBART	<u>X</u>	_____	_____	_____	_____
GIAQUINTA	<u>X</u>	_____	_____	_____	_____
NUCKOLS	_____	_____	_____	<u>X</u>	_____
SCHMIDT	<u>X</u>	_____	_____	_____	_____
SCHOMBURG	<u>X</u>	_____	_____	_____	_____
STIER	<u>X</u>	_____	_____	_____	_____
TALARICO	<u>X</u>	_____	_____	_____	_____

DATE: 3/23/82

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)

(APPROPRIATION) ORDINANCE (RESOLUTION) NO. R-16-82

on the 23rd day of March, 1982.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 24th day of March, 1982, at the hour of
11:30 o'clock A.M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 25th day of March
1982, at the hour of 4 o'clock P.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR. - MAYOR



The City of Fort Wayne

March 16, 1982

Mr. Charlie Westerman
City Clerk
City-County Building
One Main Street
Fort Wayne, Indiana 46802

RE: Communications to Council

Dear Mr. Westerman:

I have enclosed a resolution for Council and would request immediate action. The resolution references an agreement that has been entered into with the U.S. Army Corps of Engineers. This is the same agreement entered into in 1978. I appologize for not furnishing each Council member with a copy of this letter but due to unusual circumstances I feel it was necessary to contact you directly.

Sincerely yours,


Bruce O. Boxberger
City Attorney (Corporate Counsel)
City of Fort Wayne

BOB:tsr/enc.